

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

CHRISTOPHER MCCULLOUGH,
#174909,

Petitioner,

V.

GARY HETZEL, WARDEN, et al.,

Respondents.

CIVIL ACTION NO. 3:07cv26-MEF

ORDER

On July 22, 2009, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 49). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge is ADOPTED and that the petition for habeas corpus relief filed by Petitioner Christopher McCullough is DISMISSED without prejudice to afford him an opportunity to exhaust all available state court remedies.

Done this the 12th day of August, 2009.

/s/ Mark E. Fuller

CHIEF UNITED STATES DISTRICT JUDGE